

A RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF ALLSTATE INSURANCE COMPANY VS TARNECIA DICKEY AND THE CITY OF ATLANTA, STATE COURT OF FULTON COUNTY GEORGIA, CIVIL ACTION FILE NO. 04VS073241-F, IN THE AMOUNT OF \$2,032.20; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT AND CENTER NUMBER 1A01 (GENERAL FUND)-529017 (PROPERTY LIQUIDATION)-T31001 (NON-DEPARTMENTAL); WAIVING CITY OF ATLANTA CODE OF ORDINANCES SECTION 2-783(h) FOR THIS INSTANCE ONLY; AND FOR OTHER PURPOSES.

WHEREAS, *ALLSTATE INSURANCE COMPANY V. TARNECIA DICKEY AND THE CITY OF ATLANTA*, is a case in which the Plaintiff, Allstate Insurance Company, sued the City as subrogee for its insured Gwendolyn Dumas for property damage to Dumas' automobile. Plaintiff alleged that Tarnecia Dickey was driving a City of Atlanta vehicle when she collided with Dumas' automobile resulting in \$2,032.20 in damages; and

WHEREAS, Plaintiff alleged that Dickie operated the City's motor vehicle in a negligent manner proximately causing the above-described damages to Dumas' automobile; and

WHEREAS, the Plaintiff has agreed to \$2032.20 as full settlement of all claims against the City and Dickie, inclusive of attorney's fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claim is in excess of the settlement amount; and

WHEREAS, the settlement of the case of *ALLSTATE INSURANCE COMPANY V. TARNECIA DICKEY AND THE CITY OF ATLANTA* shall not be deemed to be an admission of liability or wrongdoing on the part of the City, Dickie, or any other current or former employee or agent of the City; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$2,032.20 to settle the above-described claims.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of *ALLSTATE INSURANCE COMPANY V. TARNECIA DICKY AND THE CITY OF ATLANTA* in the amount of Two thousand thirty-two dollars and twenty cents (\$2,032.20).

SECTION 2. That the Chief Financial Officer is authorized to pay to Attorney Mary A. Miller, on behalf of Allstate Insurance Company as subrogee for Gwendolyn Dumas, the sum of \$2,032.20, and to charge such sum to Fund Account and Center No. 1A01(General Fund)-529017 (Property Liquidation)-T31001(Non-Departmental).

SECTION 3. To the extent that Section 2-783(h) of the Code of Ordinances of the City of Atlanta is in conflict herewith, that subsection is waived for this instance only to permit the payment of \$2,032.20 on behalf of the City and Tarnecia Dickey.